

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAVERICK GAMING LLC,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No.: 22-cv-05325-DGE

**DECLARATION OF SCOTT CROWELL
IN SUPPORT OF MOTION FOR RELIEF
FROM SUMMARY JUDGMENT
DEADLINES**

I, SCOTT CROWELL declare:

1. I am counsel for Proposed Limited Intervenor, Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation ("Tribe") in the above-captioned matter and provide this Declaration in support of the Tribe's Motion for Relief from Summary Judgment Deadlines (Dkt. 69).

- 1 2. I am over the age of eighteen and make this declaration based on personal knowledge,
2 information, and belief. If called as a witness, I am competent to testify under oath
3 about the matters in this Declaration.
- 4 3. Attached hereto as Ex. 1 is a true and correct copy of the email exchange between
5 myself and counsel for Plaintiff in this matter, Maverick Gaming LLC (“Maverick”)
6 on Friday, July 29, 2022 and Monday, August 1, 2022.
- 7 4. On Friday, July 29, 2022 I informed Maverick’s counsel, both by phone message to
8 Ted Olsen and Tom Brennan and by email (included in Ex. 1) Ted Olsen, Tom Brennan,
9 Lochlan Shelfer and Matthew McGill, that the Tribe intended to file a motion for
10 limited intervention pursuant to Fed. R. Civ. P. 24, together with a [Proposed] motion
11 to dismiss pursuant to Fed; R. Civ. P. 12(b)(7) and 19, and to seek a temporary stay of
12 the proceedings pending a ruling on that motion.
- 13 5. Maverick’s counsel, Lochlan Shelfer responded to my email indicating that he would
14 call me shortly (included in Ex. 1). In our subsequent phone conversation later that day,
15 Mr. Shelfer confirmed receipt of both the phone and email messages and informed me
16 that Maverick would oppose all motions.
- 17 6. On the subsequent Monday, I sent an email (included in Ex. 1) to Maverick’s counsel
18 clarifying that the Tribe would seek relief from the Summary Judgment Deadlines. In
19 the email I specifically noted:
20
21 “This approach, however, creates a potential situation wherein Maverick
22 will have filed its motion for summary judgment and the briefing schedule
23 thereafter is stayed pending resolution of the Tribe’s motion. Accordingly,
24 we ask you to consider/reconsider the Tribe’s motion for relief from
25 deadlines. Under the circumstances, we believe a telephonic motion with
26 the Court today or tomorrow pursuant to Local Rule 7(i) is appropriate and
27 allows such a situation to be avoided.”
- 28 7. Mr. Shelfer quickly responded (included in Ex. 1) rejecting the proposed telephonic
hearing.

1
2
3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed this 12th Day of August, 2022.

5
6 

7
8 SCOTT CROWELL, legal counsel for
9 Proposed Intervenor Shoalwater Indian Bay Tribe
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28